

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Edgar R. Fryer, Jr.,	)	C/A No. 0:10-2811-JFA-PJG
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Accutrex Products, Inc.; Carlton Conrad,	)	
<i>General Manager</i> ; Samuel Bruckner, <i>Vice</i>	)	
<i>President</i> ; and Martin P. Beichner, Jr., <i>CEO</i> ,	)	
	)	
Defendants.	)	
	)	

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The plaintiff has filed this action, *pro se*, seeking relief against his former employer. The defendants filed a motion to dismiss on February 25, 2011, pursuant to the Federal Rules of Civil Procedure.<sup>1</sup> (ECF No. 16.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on February 28, 2011, advising the plaintiff of the importance of a motion to dismiss and of the need for him to file an adequate response. (ECF No. 19.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

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<sup>1</sup> The defendants filed additional attachments to this motion on March 30, 2011. (ECF No. 27.)

Based on the foregoing, it is

**ORDERED** that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motion to dismiss within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**



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Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

April 7, 2011  
Columbia, South Carolina